

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ALAN LEE SINN et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:14-CV-859-DGK
)	
BANK OF AMERICA, et al.,)	
)	
Defendants.)	

ORDER WITHDRAWING REFERENCE TO THE BANKRUPTCY COURT

This adversary proceeding was referred to United States Bankruptcy Judge Cynthia A. Norton for disposition pursuant to a standing order of this District. Defendants Bank of America, N.A. and Trans Union, LLC moved to dismiss the Complaint (No. 14-4051-CAN, Docs. 19, 22), arguing the bankruptcy court lacked subject-matter jurisdiction to hear Count IV, a claim brought under the Fair Credit Reporting Act. Defendant Bank of America, N.A. also moved to dismiss Counts II and III for failure to state a claim (No. 14-4051-CAN, Doc. 22).

Plaintiff then filed a motion (Doc. 1) to withdraw the reference as to Count IV of her Complaint, pursuant to 28 U.S.C. § 157(d) and Federal Rule of Bankruptcy Procedure 5011(a). In response, the Clerk opened the instant case.

On October 8, 2014, Judge Norton filed a thorough Report and Recommendation (Doc. 2) which recommended that this Court withdraw its reference on all counts of the Complaint. Her report recommended denying both pending motions to dismiss. Judge Norton also generously offered, “The bankruptcy court is willing to oversee discovery and make further report and recommendation as to the three bankruptcy-specific counts, as the District Court may deem appropriate, with due consideration to this court’s lack of jurisdiction over any matters related to Count IV.” (Doc. 2 at 17).

Having reviewed the matter de novo, the Court concurs in the recommendation of Judge Norton as contained in her report. Accordingly, it is

ORDERED that the Report and Recommendation of Judge Norton (Doc. 2) is approved, adopted, and incorporated herein. Plaintiff's motion (Doc. 1) is granted and the Court's plenary referral is withdrawn on all counts in the Complaint. Plaintiff shall file her Complaint in this case no later than January 30, 2015. Defendant Trans Union, LLC's motion to dismiss (No. 14-4051-CAN, Doc. 19) and Defendant Bank of America, N.A.'s motion to dismiss (No. 14-4051-CAN, Doc. 22) are denied. It is further

ORDERED that this matter is hereby referred to United States Bankruptcy Judge Cynthia A. Norton to conduct all further proceedings until such time as the case is ready for trial, whereupon Judge Norton shall so advise the Court and the reference will be withdrawn. Judge Norton is authorized by this reference to hear all pretrial motions and issue a report and recommendation for a ruling by the Court. Within fourteen days after Judge Norton issues such a report and recommendation, any party may file a written statement of appeal which specifically designates the report, or part thereof, appealed from and the basis for the appeal. On nondispositive matters, the Court will consider the appeal and reject or modify any portion of the report found to be clearly erroneous or contrary to law. On dispositive matters, the Court will make a de novo determination of those portions of the proposed findings and recommendations to which specific objections is made and may accept, reject, or modify, in whole or in part, the proposed findings or recommendations made by Judge Norton.

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: January 23, 2015